IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.131 OF 2006
IN
SUMMONS FOR JUDMENT NO.658 OF 2004
IN
SUMMARY SUIT NO.1528 OF 2004

Kajal Srinivasan ..Plaintiff

Vs.

Squirkle Productions P.Ltd. ..Defendants

Mr.Mihir Mody i/b K.Ashar and Co. for the plaintiff

Ms.I.M.Calcuttawala i/b IKC Law Associates for the defendants

CORAM : S.U.KAMDAR, J
DATED : 24TH JANUARY, 2006

P.C.:

1. By consent of the parties, motion is placed on board forthwith and called out. Defendants waive service.

2. The present motion is filed for setting aside an exparte order dt.24.8.05 passed by the Justice S.J.Vazifdar. Defendants have not remained present and therefore exparte order came to be passed. Defendants have not filed any reply to the

Summons for Judgment also. Now the motion is taken out and the ground given for non appearance is clerk of the advocate did not notice the matter. I do not find any merits in the said contention raised in the present Notice of Motion.

3. The learned counsel for the plaintiff states that in the interest of Justice the Summons for Judgment be heard on merits I am of the opinion that though there is no substantial ground made out for setting aside order dt.24.8.05 but the said order can be set aside on payment of cost. In that light of the matter, following order is passed:

4. Motion is made absolute in terms of prayer clause (a) and (b) subject to defendants making payment of cost quantified at Rs.7500 to the plaintiff on or before the next date of hearing. Matter is fixed for hearing on 6.2.06. Motion is disposed of accordingly. No order as to costs. Affidavit in reply to be filed on or before 31.1.06 and served on the plaintiff on or before 1.2.06.